IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

Bail Appl..No. 4917 of 2007()

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CRMP.4647/2007 of J.M.F.C., ADOOR
CRIME NO.28/07 OF ENATHU POLICE STATION

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: PETITIONER/ACCUSED

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ABU, S/O.VIKRAMAN, ABU NIVAS, KULAKKADA
KIZHAKKU, KULAKKADA, KOTTARAKKARA.

BY ADV. SRI.D.KISHORE

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
ENATHU POLICE STATION.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

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B.A. NO. 4917 of 2007

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Dated this the 14th day of August, 2007

**ORDER**

Application for regular bail. The petitioner faces allegations, inter alia, under Sec.376 and Sec.3(1)(x) of the Scheduled Castes/Scheduled Tribes (Prevention of Attrocities) Act. The de facto complainant is a woman aged about 20 years. The crux of the allegations is that the petitioner compelled the de facto complainant to go with him in a car to Bangalore where in a couple of lodges they engaged in sexual intercourse. It is alleged that such sexual intercourse was without her free consent and that there was a false promise to marry her. A crime was initially registered under the caption "woman missing". Subsequently, allegations have been raised under Sec.376 of the IPC and Sec.3(1)(x) of the Scheduled Castes/Scheduled Tribes (Prevention of Attrocities). The petitioner was arrested and continues in custody from 20/7/07.

2. The learned counsel for the petitioner prays, the

learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances to which a brief reference has already been made, that the petitioner can now be enlarged on bail subject to appropriate terms and conditions.

3. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

**(R. BASANT, JUDGE)**

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